IN THE UNITED STATES DISTRICT COURT	
FOR THE DISTRICT OF UTAH	
UNITED STATES OF AMERICA, Plaintiff,	MEMORANDUM DECISION AND ORDER DENYING DEFENDANT'S MOTION FOR EARLY TERMINATION OF PROBATION
VS.	Case No. 4:22-cr-00019-PK-2
FRANCIS J. RENDE, II, Defendant.	Magistrate Judge Paul Kohler

Before the Court are two filings: Documents Lodged Consisting of Correspondence from Defendant Regarding Early Termination of Probation¹ and the United States' Motion regarding Lodged Document.² The Court construes the first filing as a motion for early termination by Defendant and the second as the United States' response/opposition to that motion. For the reasons discussed, the Court DENIES Defendant's motion without prejudice.

I. BACKGROUND

On March 2, 2022, the Defendant was charged in a two-count Indictment with Conspiracy to Convert Government Property and Retention of Government Property with Intent to Convert and Aiding and Abetting in violation of 18 U.S.C. §§ 371 and 641.³ On May 17, 2022, the Defendant was charged in a single-count Misdemeanor Information with Conspiracy to Convert Government Property in violation of 18 U.S.C. §§ 371 and 641.⁴ Defendant Rende pled guilty to

¹ Docket No. 42, filed December 20, 2023.

² Docket No. 43, filed January 11, 2024.

³ Docket No. 1.

⁴ Docket No. 30.

the Misdemeanor Information on June 13, 2022,⁵ pursuant to a Rule 11(c)(1)(C) agreement.⁶ He was sentenced the same day to a term of 36 months of probation and \$500 in restitution.⁷

Defendant has now served approximately 1.5 years of his three years of probation and has paid the restitution amount in full.⁸ He requests early termination for good behavior while on probation.

II. DISCUSSION

18 U.S.C. § 3564(c) provides as follows:

The court, after considering the factors set forth in section 3553(a) to the extent that they are applicable, may, pursuant to the provisions of the Federal Rules of Criminal Procedure relating to the modification of probation, terminate a term of probation previously ordered and discharge the defendant at any time in the case of a misdemeanor or an infraction or at any time after the expiration of one year of probation in the case of a felony, if it is satisfied that such action is warranted by the conduct of the defendant and the interest of justice.

After considering these factors and for several of the reasons articulated in the government's response brief, the Court DENIES Defendant's motion, Docket No. 42, without prejudice. However, the Court commends Mr. Rende for his efforts and accomplishments while on probation thus far. Mr. Rende may refile the motion after being on probation for at least two years.

SO ORDERED this 16th day of January, 2024.

PAUL KOHLER

United States Magistrate Judge

⁵ Docket No. 34.

⁶ Docket No. 38, filed August 17, 2022.

⁷ Docket Nos. 34 and 40.

⁸ See Docket No. 42, at 1; No. 43, at 5.